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SUPERIOR COURT  
YAVAPAI COUNTY, ARIZONA  
2010 AUG -2 PM 3:48  
SHEILA HICKS, CLERK ✓  
BY: B. Chamberlain

IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

v.

STEVEN CARROLL DEMOCKER,

Defendant.

Cause No. P1300CR20081339

MOTION FOR PROTECTIVE  
ORDER

Honorable Warren R. Darrow  
Division 6

FILED UNDER SEAL

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy undersigned, hereby requests an order of protection from disclosing to the Defendant the third and fourth interviews of Renee Girard and the law enforcement reports in connection therewith.

MEMORANDUM OF POINTS AND AUTHORITIES

During Defendant's opening statement, at the start of this trial, the State learned for the first time, the Hartford life insurance proceeds were disclaimed by the Defendant on March 3, 2009. On April 23, 2009, the Hartford Life Insurance company issued two checks totaling \$770,491.69 that were deposited into two Bank of America accounts titled the Virginia Carol Kennedy Testamentary Trust (\$256,830.58) and the Estate of Virginia Carol Kennedy (\$513,661.11). At that time, Katherine Democker was the

1 Personal Representative for the Estate of Virginia Carol Kennedy and Successor Trustee  
2 for Virginia Carol Kennedy Testamentary Trust.

3 On August 17, 2009 Katherine Democker resigned as Trustee and simultaneously  
4 nominated Renee Girard as Successor Trustee. Prior to Katherine DeMocker's August  
5 17, 2009 resignation, Defendant, on behalf of his minor daughter, Charlotte Democker,  
6 accepted the resignation of Katherine Democker as trustee and then accepted the  
appointment of Renee Girard, his girlfriend, as successor Trustee.

7 This newly discovered evidence has thrust Renee Girard into the position of being a  
8 material witness pertaining to the Hartford Life Insurance policies and the distribution of  
9 \$350,000.00 dollars from the Virginia Carol Kennedy Testamentary Trust bank account,  
10 into Defendant's joint bank account that he shared with Charlotte DeMocker.

11 Ms. Girard, Defendant's girlfriend, was listed as a witness for the defense and for the  
12 State in this case. The State originally understood Ms. Girard would be testifying about  
13 the Defendant's plan to flee after the murder of Carol Kennedy. Ms. Girard was granted  
14 immunity from prosecution concerning the facts surrounding Defendant's blue "get-a-  
way" bag.

15 Ms. Girard has now become a material witness concerning the body of evidence  
16 about the disposition of victim Carol Kennedy's life insurance proceeds. Attorney John  
17 Napper represents Ms. Girard and has been present at all of the interviews described  
below.

18 The State first interviewed Ms. Girard on April 9<sup>th</sup>, 2010 with Mr. Sears present.  
19 Her second interview occurred on June 13<sup>th</sup>, 2010 and again Mr. Sears was present. Ms.  
20 Girard was interviewed a third time at Mr. Napper's office on July 12, 2010 and Mr.  
21 Sears was not present. The fourth interview was on July 14, 2010 at Mr. Napper's office  
22 and Mr. Sears was not present.

23 Interviews three and four were conducted out of the presence of defense attorneys as  
24 part of a tangential criminal investigation that has arisen concerning the insurance body  
25 of evidence and the Estate of Carol Kennedy. The court has not yet ruled on the  
admissibility of the Hartford Insurance Company evidence.

26 All of the Girard interviews were recorded. The State has yet to disclose to the  
defense interviews numbered three (3) and four (4). There will be additional interview(s)

1 that may contain relevant evidence to this case and relevant in the tangential criminal  
2 investigation.

3 On July 26, 2010 the defense requested copies of all recorded interviews and  
4 supplements, if any, in connection with all of the Girard interviews.

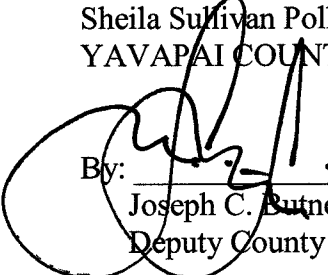
5 **CONCLUSION**

6 It is unknown at this time where the Hartford Insurance Company criminal  
7 investigation will lead. The Girard interviews may be used in subsequent criminal  
8 proceedings and parts of her interviews may be relevant to the State's case in chief in  
9 this case. Normally information developed in criminal investigations is protected and  
10 barred from disclosure prior to the filing of criminal charges. However, since the Girard  
11 interviews may serve a dual purpose, the State feels compelled to bring this issue before  
12 the court. A final interview of Renee Girard which both the State and the Defense will  
13 attend is going to be scheduled in the near future. The Defense will be free to ask any  
14 and all questions that they believe will lead to the discovery of admissible evidence.

15 The State requests a Protective Order from this court that would preclude the  
16 Defendant from access to the undisclosed third and fourth interviews of Renee Girard  
17 and the law enforcement related reports.

18 RESPECTFULLY SUBMITTED this 2<sup>nd</sup> day of August, 2010.

19 Sheila Sullivan Polk  
YAVAPAI COUNTY ATTORNEY

20 By:   
21 Joseph C. Butner  
22 Deputy County Attorney

23 COPIES of the foregoing delivered this  
24 2<sup>nd</sup> of August, 2010, to:

25 Honorable Warren Darrow  
26 Division 6  
Yavapai County Superior Court  
(via email)

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By: 